

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), imitation preserves and jam deficient in fruit had been substituted in whole or in part for raspberry, grape, and loganberry jams, and pineapple, raspberry, peach, strawberry, loganberry, and apricot preserves; and imitation jellies deficient in fruit juice and artificially flavored had been substituted in whole or in part for currant and quince jellies, foods for which definitions and standards of identity have been prescribed by the regulations.

Misbranding, Section 403 (a), the names of the products, "Pure Raspberry [or "Grape," or "Loganberry"] Jam," "Pure Pineapple [or "Raspberry," "Peach," "Strawberry," "Loganberry," or "Apricot"] Preserves," and "Pure Currant [or "Quince"] Jelly," were false and misleading; Section 403 (c), the products were imitations of other foods, and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the names of the foods imitated; Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for preserves, jams, and jellies; and, Section 403 (k), the jellies contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: On September 3 and October 14, 1941, the Fresh Grown Preserve Corporation, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond, conditioned that they be relabeled under the supervision of the Food and Drug Administration.

On or about July 27, 1945, the Government filed a motion for forfeiture of bond and judgment in the actions involving 400 cases and 47 cases, respectively, on the grounds that the conditions of the decrees had not been complied with. On September 4, 1945, orders were entered that the defendant show cause why the bonds should not be forfeited. The defendant having filed its answer to the order to show cause, the actions came on before the court for hearing. On December 20, 1945, the court made its findings of fact and conclusions of law in favor of the Government and entered judgment that the Fresh Grown Preserve Corporation and the Century Indemnity Co. were indebted to the Government in the sum of \$1,608 and \$194.58, respectively, on the two bonds.

10310. Adulteration and misbranding of jams and jellies. U. S. v. 8 Jars and 10 Cases of Wild Blackberry Jam, 8 Jars and 8 Cases of Wild Plum Jam, and 4 Cases of Wild Blackberry Jelly (and 1 other seizure action against wild blackberry and wild plum jams and jellies.) Default decrees of condemnation. Products ordered delivered to a charitable organization. (F. D. C. Nos. 18387, 18398. Sample Nos. 37814-H to 37820-H, incl.)

LIBELS FILED: On or about November 28 and December 5, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about October 1 and 3, 1945, by Inez McDonald, from Grass Valley, Calif.

PRODUCT: 8 5-pound jars and 12 cases of wild blackberry jam, 8 5-pound jars and 11 cases of wild plum jam, 6 cases of wild blackberry jelly, and 2 cases of wild plum jelly, at Medford and Grants Pass, Oreg. Each case contained 24 20-ounce jars of the respective products.

LABEL, IN PART: "Home Made Pure Fruit Product Wild Blackberry [or "Wild Plum"] Jam [or "Jelly"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product of less than 68 percent soluble solids content had been substituted in whole or in part for blackberry jam, and products of less than 65 percent soluble solids content had been substituted in whole or in part for plum jam, plum jelly, and blackberry jelly.

Misbranding, Section 403 (g) (1), the articles failed to conform to definitions and standards of identity which require that the soluble solids content of blackberry jam be not less than 68 percent, and that of plum jam, plum jelly, and blackberry jelly be not less than 65 percent.

DISPOSITION: January 15, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to a charitable organization.